

GOVERNOR'S  
REASONS  
FOR VETO:

The Governor said the bill was an unconstitutional local and special law. In the 1974 case of Culbertson County v. Holmes, the Texas Court of Civil Appeals in El Paso held it was unconstitutional for the Legislature to pass a statute authorizing an election to abolish the office of county auditor in Culbertson County.

SPONSOR'S  
VIEW:

Rep. Barton said that the bill might indeed be unconstitutional, but that he had had the Legislative Council draw it up and they had not pointed out any constitutional defect. The pertinent language in the Constitution (Art. 3, sec. 56) is very general; under the Governor's interpretation many local laws passed by the Legislature could be ruled unconstitutional. Barton said the Governor's office did not notify him of the intent to veto. Abolishing the auditor's office would save Llano County \$15,000 per year.

NOTES:

VACS art. 1654 requires that any county with a population of 10,000 or more must appoint a county auditor. Llano County, according to the 1980 census, had a population of 10,144, prior to 1980, Llano County County's population was under 10,000.

County-court-at-law for Jefferson County  
(HB 2445, by Collazo)

DIGEST:

The bill would have created County Court-at-Law No. 4 in Jefferson County, to be located in Port Arthur. The court would have been created on Jan. 1, 1986, or an earlier date determined by order of the Jefferson County Commissioners Court.

GOVERNOR'S  
REASONS  
FOR VETO:

The Jefferson County Commissioner's Court did not request creation of this court. The county judge and three of the four county commissioners asked that the bill be vetoed since the county has neither the physical facilities nor the fiscal means to support a new county-court-at-law.

SPONSOR'S  
VIEW:

Rep. Collazo called the veto "purely political," disregarding the needs of the citizens of Port Arthur who must travel to the county seat in Beaumont on county-court business. The bill resolved a purely local matter in which the Governor had no business meddling. Collazo said the Governor bowed to political pressure by the county judge without contacting the sponsor prior to the veto. Since the bill would not have taken effect until 1986, the county would have had more than enough time to find facilities and the budget to pay for the new court.

Granting permission to sue the state  
(HCR 147, by Oliveira)

DIGEST:

The resolution would have permitted William Kenon, Jr. and George Purvis, two divers who participated in the salvage of a 16th century Spanish ship which the state has since taken possession of, to sue the state and (for technical legal purposes) the vessel, its cargo, tackle, and furniture, for any relief they may be entitled to.

GOVERNOR'S  
REASONS  
FOR VETO:

By allowing the plaintiffs to sue both the state and the vessel, the resolution would have subjected the state to "possible seizure and sale of one of the oldest New World vessels ever found off the coast of Texas." The vessel and its contents should belong to Texas.

SPONSOR'S  
VIEW:

Rep. Oliviera said he was disappointed with the veto, but that he had since worked the problems out with the Governor and is pleased with the outcome. He said he thought the contention of the Governor's staff was that the pending Supreme Court case should determine jurisdiction of the divers' case was a valid one. Regarding the possible seizure of the vessel or its artifacts, Oliviera said that was still a possibility. He thought it more likely, though, that the parties would settle out of court.